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2 **UNITED STATES DISTRICT COURT**  
3 **DISTRICT OF NEVADA**

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6 VIVIAN RODRIGUES DA-SILVA,

7 Plaintiff,

8 vs.

9 SMITH'S FOOD & DRUG CENTERS, INC.,

10 Defendant.  
11

2:12-cv-00595-GMN-VCF

**ORDER**

[Motion to Withdraw as Attorney (#16)]

12  
13 Before the Court is Plaintiff's Motion to Withdraw as Attorney (#16) on December 26, 2012.  
14 The Court held a hearing on February 6, 2013.

15 **Relevant Background:**

16 Pursuant to the order granting the Second Stipulation and Order to Extend Time for Discovery  
17 (#13), discovery cut-off was extended to February 8, 2013. On December 13, 2012, Defendant filed the  
18 Motion to Dismiss or in the Alternative to Compel Discovery and Award Sanctions (#14), the response  
19 to the Motion to Dismiss was filed on December 21, 2012 (#15), and the reply in support of the Motion  
20 to Dismiss was filed on December 31, 2012 (#17). The Motion to Dismiss was referred to the  
21 undersigned for a Report and Recommendation. A minute order setting the Motion to Dismiss for a  
22 hearing on February 6, 2013 was entered on January 22, 2012 (#19). The hearing on the Motion to  
23 Dismiss was held on February 6, 2013 and the Report and Recommendation (#21) was entered shortly  
24 after the hearing on the same day.  
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1 Lewis Gazdaz, Esq., Afshin Tadayon, Esq., and the law firm of Gazda & Tadayon seek to  
2 withdraw as attorney of record for Plaintiff Vivian Rodrigues Da-Silva as, “[c]ommunication has broken  
3 down to where representation is impossible, communication cannot be restored to where Gazda &  
4 Tadayon can adequately represent the Plaintiff.” (#16).

5 **Discussion:**

6 Local Rule IA 10-6 provides that “no withdrawal . . . shall be approved if delay of discovery, the  
7 trial or any hearing in the case would result.” There is no delay of discovery as the cut-off date is  
8 February 8, 2013. No trial date has been entered for this matter and a hearing has been held on Motion  
9 to Dismiss or in the Alternative to Compel Discovery and Award Sanctions (#14). Defendant has not  
10 filed an opposition to the Motion to Withdraw As Counsel. Local Rule 7-2(d) states that “[t]he failure  
11 of an opposing party to file points and authorities in response to any motion shall constitute a consent to  
12 the granting of the motion.”

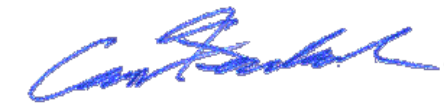
13 Having reviewed and considered the matter, and for good cause shown,  
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15 IT IS HEREBY ORDERED that Motion to Withdraw as Attorney (#16) is GRANTED.

16 IT IS FURTHER ORDERED that the Court Clerk mail a copy of this order and the Report and  
17 Recommendation (#21) to Plaintiff Vivian Rodrigues Da-Silva at the following address:

18 Vivian Rodrigues Da-Silva  
19 2110 Mariposa Avenue  
20 Las Vegas, Nevada 89104

21 DATED this 6th day of February, 2013.



22 CAM FERENBACH  
23 UNITED STATES MAGISTRATE JUDGE  
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